United Nations CEDAW/C/SR.676

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
6 April 2005

Original: English

Committee on the Elimination of Discrimination against Women

Thirty-second Session

Summary record of the 676th meeting
Held at Headquarters, New York, on Wednesday, 19 January 2005, at 3 p.m.

Chairman: Ms. Manalo

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

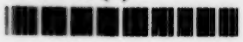
Combined initial, second, third, fourth and fifth periodic reports of the Lao People's Democratic Republic (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

05-21330 (E)



The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial, second, third, fourth and fifth periodic reports of the Lao People's Democratic Republic (continued) (CEDAW/C/LAO/1-5, CEDAW/PSWG/2005/I/CRP.1/Add.5 and CEDAW/C/PSWG/2005/I/CRP.2/Add.4)

1. *At the invitation of the Chairperson, the members of the delegation of the Lao People's Democratic Republic took places at the Committee table.*

Article 10

2. **Ms. Saiga** welcomed the strong commitment of the President of the Lao Women's Union to the education of women, given the link between education and women's role in society. She was also pleased that women's education was one of the five priorities of the national strategy for the advancement of women for 2005-2010. Noting that the country's illiteracy rate was still very high, she wondered why the Government had decided to postpone the implementation of compulsory primary education until 2010. Referring to the delegation's answer to question 8 of the list of issues, she asked whether there were separate educational programmes for boys and girls.

3. **Mr. Flinterman,** expressing a similar concern about the postponement of the full implementation of compulsory education, noted that the Committee on the Rights of the Child had recommended in 1997 that the Lao People's Democratic Republic should continue to request further international assistance in order to realize that most fundamental right. Referring to the Women's Education Project, he wondered whether its objectives had been achieved and whether it would be continued or expanded in the future.

4. **Ms. Šimonović** noted that there were significant disparities between girls and boys in education, in complete contradiction of the Constitution, which guaranteed the equal right to education. It was therefore important to protect constitutional rights by specifically prohibiting any sort of discrimination. Noting that some minority groups had a very large number of uneducated girls, she wondered what action was being taken by the Government to increase the number of minority girls receiving education and to change stereotyping of boys and girls in school textbooks.

5. **Ms. Bouphanouvong** (Lao People's Democratic Republic), referring to the postponement of compulsory education until 2010, said that the economic difficulties facing her country had affected its capacity in the field of education. The Government was reviewing its targets and goals and carrying out research on the links between education and development. While she agreed that literacy rates among women in rural areas were low, she noted that her Government did not have the resources required to build schools in all the remote villages of the country. For the time being, the Government's strategy in that regard was to use the resettlement of rural dwellers as the best means of providing them with new educational opportunities and giving them alternative occupation. Developing an educational network for all the rural areas would require time and resources.

6. **Mr. Kiettisak** (Lao People's Democratic Republic), responding to the query concerning the definition of discrimination in national legislation, said that the Government would soon address that issue, including in the context of the implementation of the Law on the Development and Protection of Women.

7. **Mr. Kittikhoun** (Lao People's Democratic Republic) said that education was essential to promoting the advancement of women. The ability to translate women's rights into reality was linked to the country's economic situation. The Lao People's Democratic Republic was a landlocked, poor, multi-ethnic least developed country with some 80 per cent of its population scattered over remote rural areas. Stereotypes could gradually be overcome through education. Funds were needed in that regard and that was why his Government would welcome assistance from the international community.

8. **Ms. Pholsena** (Lao People's Democratic Republic), responding to Ms. Saiga's query, said that there was not a separate curriculum for girls and boys. The response to question 8 had been meant only to stress the need for women to gain access to education on an equal footing with men since, in the past, women had been seen as caretakers of the family, confined to the family home. Her country was very poor and schools were not being built everywhere. Many parents could not afford to send their children to school. Building schools in as many villages as possible was

one of the problems that needed to be addressed and the Lao Women's Union would focus on that issue. Education was a major contributor to national development and the Lao Women's Union had launched an advocacy campaign to promote women's participation in education.

Article 11

9. **Ms. Dairiam**, noting that new economic reforms had led, inter alia, to the promotion of small and medium enterprises and to the diversification of the economy as a whole, wanted to know what steps had been taken to ensure that women actually gained from those macroeconomic reforms. She also wanted to know whether the gender resource development centres had undertaken studies to find out the impact of trade liberalization, especially crop diversification, on women and their entrepreneurial development. It would be particularly interesting to know what special efforts were being undertaken to upgrade women's skills in order to increase access to technology so that they could gradually improve their capacity as entrepreneurs on a scale equivalent to that of men. The delegation should indicate what negotiations had been undertaken with international financial institutions, private banks and foreign investors to ensure that they actually put in place affirmative action or temporary special measures to accelerate women's gainful entry into the market economy on the basis of equality with men. She wondered whether the laws that had been introduced to promote trade liberalization and to encourage private and foreign investments had been studied to assess their impact on women and whether appropriate reforms had been proposed. Finally, how were labour disputes settled?

10. **Ms. Khan** said her impression on reading the report was that women were being exploited as cheap labour in the absence of alternative employment opportunities. In that regard, more information should be provided on the age structure of women engaged in economic activity, the wage structure, wage discrimination, if any, and the job structure. She would be particularly interested in data on the percentage of women engaged in regular paid employment who earned a minimum wage, both in the agricultural sector and the informal and formal sectors. Referring to government service, she wanted to know why women had been retrenched from the civil service during the restructuring of that service and whether any temporary special measures had been taken in favour of women in the public sector. It would be interesting to receive information on how women balanced their domestic responsibilities with their responsibilities in the workplace.

11. **Ms. Patten** pointed out the importance of women, with their initiative and skills, for a developing economy and society, and the need to support them by giving them control over capital, credit and technology. She wondered what international support was targeted at small and micro-enterprises run specifically by women, and to what extent the conditions imposed by institutions like the International Monetary Fund and the World Bank impeded the Government's plans to adopt gender-sensitive employment policies. She noted that the Central Bank was drafting the regulations for a microfinancial system, and wondered whether that would be on the lines of the Grameen Bank. She urged the adoption of temporary special measures, especially in view of the gender imbalance caused by retrenchments in the civil service, and a visible policy of gender mainstreaming in all employment programmes. Outreach programmes had to be provided, especially for poor, rural women, to raise awareness of technological developments available to them. She asked which ILO Conventions the country had ratified and what measures would be implemented by the Government to prevent employers discriminating against women because of their reproductive role.

12. **Ms. Bouphanouvong** (Lao People's Democratic Republic) said that without the energetic participation of women her Government would be unable to implement its national strategy for poverty reduction. It promoted women's small and medium enterprises (SMEs) through chambers of trade and industry, in a programme set up by prime ministerial decree. Research carried out in cooperation with the ILO had shown that 60 per cent of SMEs were owned by women, and promoting them was a high priority for the Government, for instance through commercial entities in the cities which coordinated the work of women entrepreneurs and helped them to develop their businesses. Women were also helped through training in business and marketing skills and in the application of modern technology to farming and crafts. The banking system had been reformed to provide better access for women, and the Lao Women's Union was working with the Government to enable women to use

title to land as collateral for loans under a programme already implemented in nine provinces and soon to spread to the rest of the country. The country cooperated with many international organizations, for instance ILO, to prevent the use of child labour or forced migrant labour by women, and in training programmes aimed at generating income.

13. **Mr. Kiettisak** (Lao People's Democratic Republic) explained that labour courts were being established in the country at all levels, to hear disputes which had not been settled at the workplace with the help of the local trade union. There was no specific law on trade liberalization, although the country's constitution recognized the market-based economy and the importance of domestic and foreign investment.

14. **Ms. Pholsena** (Lao People's Democratic Republic) stressed the importance of the Gender Resources Information Centre in researching and promoting women's business activities as part of the country's drive to implement market reforms. There was cooperation with friendly countries on programmes for women, such as rural poverty eradication, income generation for the family as a whole and microcredit. Field studies made of the Grameen Bank were to be applied in such a way as to be appropriate for the situation of Lao women. It was important to learn from countries with experience and expertise how to implement such programmes and how to address problems like increasing the use by women of new technologies.

15. **Mr. Kiettisak** (Lao People's Democratic Republic) pointed out that the country was a party to ILO Conventions and regularly took part in the work of that organization.

Article 12

16. **Ms. Coker-Appiah** noted that in spite of the Government's efforts health facilities were still inefficient and inaccessible to most of the population, especially in the rural areas. She suggested the Government might give some basic medical training to the traditional rural healers. She asked what steps were being taken to reverse the trend towards early marriage and childbirth for girls, and cautioned against complacency over HIV/AIDS since the country had many of the factors that put its population at risk, like trafficking in girls, tourism, and women's limited ability to negotiate safe-sex practices.

17. **Ms. Khan** pointed out that according to UNAIDS, women were the new face of HIV/AIDS in South-East Asia, and programmes to prevent the spread of AIDS should include a women's awareness element in addition to the clinical effort. She wondered how many women there were at the decision-making level in the HIV/AIDS Trust and the AIDS committee of the Ministry of Health. High rates of maternal mortality and fertility were also a concern, with an average of 4.9 children per woman. Measures should be implemented to provide family planning, especially for the rural ethnic minorities who lived in the most inaccessible mountainous areas and whose educational needs also required a special effort on the part of the government.

18. **Ms. Patten** urged the Government to seek as much international aid as possible to ensure household food security throughout the nation, remedying the severe food shortages in rural areas (report, p. 40), and guaranteeing crucial nutrition for girls and women. The limited access of rural women to health care was compounded by traditional attitudes and the women's own ignorance, and she would like to know what the Government was doing to address the situation: did women receive health education and training at all educational levels, was the training of health-care personnel being improved, were environmental hazards to women's health being eliminated, had community strategies to combat HIV/AIDS been developed to protect women, were the special health needs of older women and the disabled being addressed and had there been any increase in the health budget in recent years?

19. **Ms. Pholsena** (Lao People's Democratic Republic) said that the Ministry of Health and other agencies had, with foreign assistance, started a number of projects to safeguard maternal health through education and counselling, and to counsel both women and men on the HIV/AIDS danger. The National Committee on the Prevention of HIV/AIDS had been set up, as well as special programmes to inform adolescent girls about the disease and about safe childbirth.

20. Although the maternal and child mortality rates and the fertility rate were still high, they were low compared to the past. The high death rates were due to the fact that women had too many children, especially in remote areas where there were no childbirth facilities. However, inculcating the principle that deliveries in hospital were safest was not easy and

would require further social and economic development. The Government's population policy — one of its top priorities — was to persuade both sexes that birth spacing was necessary and was a family question. The Lao Women's Union had begun a campaign on that issue addressed to both men and women, and the recently adopted Law on the Family and Development called for consultation between spouses regarding birth spacing and the involvement of women in national development activities.

21. The many challenges the Government was facing stemmed from the fact that the country was poor, among the least developed, and lacked the means to implement programmes. It recognized, for instance, the importance of nutrition for adolescent girls and was trying to raise their awareness, but was unable to provide the needed nutrition for lack of funds. More international assistance was urgent.

Article 14 of the Convention

22. **Ms. Gnacadja** said that since the Government recognized the important role of women in rural development, it should focus on the proper application of the land laws in a country that was 83 per cent rural, and eliminate the discrimination against women with regard to title to land, which was incorrectly registered in the husband's name in most cases (report, pp. 53-54).

23. **Ms. Tan,** commending the Lao Women's Union for its good work and the Government for its political will, asked how it was planning to achieve the target of graduating from least-developed-country status by 2020 and what financial resources would be available. In the written reply (CEDAW/C/PSWG/2005/1/CRP.2/Add.4) to question 38 of the list of issues and questions, it was indicated that the Government had in nine provinces rectified the registration of the wife's land to the husband, and she wondered what percentage of women now held land in their own names and whether the Government could ensure that gender-oriented land titling would be the norm.

24. **Ms. Zou** Xiaoquao asked what the Government's goals were for assisting rural women, whose advancement was closely linked to national economic development in a largely rural population, and what percentage of women had been moved out of poverty as a result of the Lao Women's Union projects.

25. **Ms. Shin** said that the next report should discuss the results of the land titling reform, which should be extended to all provinces. Information should also be provided on the measures taken to change the unfair division of farm labour in rural areas and persuade men to share the burden of the heavy workload, which could also be alleviated if women were taught to use suitable machinery.

26. With reference to decision-making by women at the village level, the written reply to question 35 indicated that less than 14 per cent of women were part of the village water control committees and still fewer were members of the farmers' groups. At least 50 per cent of the membership of such village bodies should be women, and many more representatives from the Lao Women's Union should be assigned to work with them.

27. **Ms. Morvai** said that she had been surprised to read that women were responsible for 70 per cent of the opium production in the country (report, p. 50) and requested clarification about how much opium was produced, whether it was exported and to whom, and who received the profits. Clearly, such women were at risk from organized crime and traffickers of both kinds. The Government seemed willing to end opium production, but she wondered whether it could be done overnight and whether the international community was actually helping. Women were also responsible for 50 per cent of the cash-crop production: had there been any move towards more organic farming methods to cut down on the health hazards to women of toxic chemicals contaminating the soil?

28. **Ms. Schöpp-Schilling** asked whether any land had actually been re-registered to women in the nine provinces in which the land titling project was in effect, whether in those provinces the daughters of the family would inherit the land, and whether any opposition from husbands had been encountered. She would like to know whether the number of rural girls working in urban garment factories had gone beyond 15,000, whether they were informed of their labour rights and what results had been achieved by the inter-ministerial committee set up to attend to their needs. Also, in its HIV/AIDS prevention efforts, the Government should focus on the danger spots, such as the construction workers building roads into neighbouring countries, whose lifestyle undoubtedly made them carriers.

29. **Ms. Simms** said that the report and the delegation had provided eye-opening information. The relocation of rural populations from the mountains to the plains had been justified by the economic hardship and limited educational opportunities in the remote mountainous communities. However, traditional and rural women in particular had a strong spiritual link to the land from which they came and derived their sense of identity from it, a reality that should not be underestimated or ignored. She suggested that friendly countries could help set up programmes of distance education that would bring skills to the rural areas without displacing the population, which should at the same time be made aware of the rich natural resources that were waiting to be tapped in their lands.

30. **Mr. Kiettisak** (Lao People's Democratic Republic) said the problem of land title for married couples had been resolved; title to land could be registered to a woman and women throughout the country were being educated about their land rights. For married couples, the common assets of the household must be registered in the names of both spouses and the husband could not use any common assets for his own purposes without receiving approval from his wife.

31. **Mr. Kittikhoun** (Lao People's Democratic Republic) said that the reference in the report (p. 50) to the situation where 70 per cent of opium in ethnic minority villages was produced by women was really only valid for one ethnic group, the Hmong, who were mountain dwellers. In their culture, traditionally the woman was responsible for agriculture. Although his Government was attempting to increase awareness of the opium problem and also change mentalities, the situation could not be remedied overnight, especially given the poor overall economic situation in the country.

32. There were varying opinions on the appropriateness of relocating mountain tribes to the plains; his Government would be most happy to receive any recommendations from the Committee or be informed of the experience in other countries and adopt its policies to take into account women's close ties to their ancestral lands. The central issue was how to develop rural and remote areas; his Government felt it was best to help people help themselves although it was also fully aware of their attachment to the land. He stressed that mountain dwellers were not forced but rather encouraged to relocate in order to take advantage of development projects in lower-lying areas. His Government was aware of the challenges it faced in that area but was committed to finding appropriate solutions.

33. **Ms. Pholsena** (Lao People's Democratic Republic) said her Government was committed to the goal of leaving the ranks of the least developed countries by 2020 and had implemented numerous programmes to promote that goal. The Women's Union likewise was working with partners such as employers and cooperation agencies to reduce women's illiteracy rates, provide greater education to rural women, increase their income and ensure they had access to health care. Women were especially disadvantaged because of their heavy workload, which left them little time for education; for that reason, programmes to combat illiteracy had been included in development programmes. Steps were also being taken to reduce women's workload; for example, since even young girls were expected to fetch water, her Government had a programme to install water pumps in villages to ease the burden on women; there were also programmes to eliminate stereotypes about the traditional roles of men and women and to encourage men to assume more responsibility for raising children and for household chores.

34. She said the situation concerning opium production had improved; in some provinces opium production had been eradicated although it would not be possible completely to eliminate opium production before 2010. Her Government was attempting to educate women about the risks of growing opium both for the environment and for their health; in some areas, mountain tribes had been encouraged to move to low-lying areas and plant alternative crops. Efforts were also being made to protect women factory workers in cooperation with the National Chamber of Commerce and in accordance with the Law on the Development and Protection of Women (future CEDAW/PSWG/2005/I/CRP.2/Add.4, answer 1).

35. Her Government was aware of the ease with which HIV/AIDS could spread along the new road links with neighbouring countries in the north and programmes had been undertaken to educate the population living near the roads. Education and counselling were also being provided to Lao women on how to protect themselves against transmission of HIV/AIDS.

36. The Lao Women's Union was trying to educate married women and men about their rights with regard to land titles. Part of the problem in the past had been that women were too preoccupied with other issues to devote much attention to their land rights; however, they were increasingly aware of their rights. Lao women perhaps had a tendency to be too accommodating and simply allow the man to manage their household. In an attempt to protect the interests of Lao women, the Women's Union had suggested that in cases of divorce, where the partner at fault was the man, which was usually the case, two thirds of the common assets of the marriage should be turned over to the woman.

Articles 15 and 16

37. **Ms. Tan** expressed concern that although the legal marriage age was 18, in some cases marriage was possible at the age of 15 (CEDAW/C/LAO/1-5, p. 60); that provision could be used as a way to get around the theoretical minimum age of marriage and to justify early marriage. She was also concerned that the low figures for domestic violence could simply mean that violence was not being reported and she wondered whether an accurate survey of the real situation had been undertaken.

38. **Ms. Gnacadja** said it was not enough to introduce more educational programmes for girls in rural and remote areas in order to reduce the rate of early marriage, as indicated in the delegation's written replies (CEDAW/PSWG/2005/I/CRP.2/Add.4, answer 39). The fact remained that by law marriage was possible in certain cases at the age of 15; she wondered what conditions might be used to justify early marriage. Furthermore, since compulsory schooling ended at age 10, many young girls could be considered to be available for marriage by 15, especially in rural areas. The law must therefore be amended to eliminate any exceptions to the minimum marriage age of 18.

39. She was also concerned at the practice of providing a bride price. Although in its written replies (CEDAW/PSWG/2005/I/CRP.2/Add.4, answer 42), the delegation stated that the bride price was simply a reward to the bride's parents for her upbringing and had nothing to do with the status of the woman within the marriage, the fact was that the very idea of providing a bride price implied a sort of purchase and an affirmation of the woman's inferiority to the man. She noted that in the State party's report (CEDAW/C/LAO/1-5, p. 15), for the Lao Theung minority a bride price was received in 77 per cent of marriages and family authority lay almost solely with the husband; in the Hmong group a bride price was received in 67 per cent of marriages and a woman's status was subordinate to the man. The State party must rethink its attitude towards the provision of a bride price, which contributed to the stereotype of women's inferiority to men.

40. **Mr. Kiettisak** (Lao People's Democratic Republic) said that although marriage was allowed at age 15 in some cases, that was an improvement over the previous situation, when in rural areas marriage had at times occurred at the age of 12 or 13. Marriage could for example be allowed before the age of 18 in cases where a couple had had sexual relations and a pregnancy had resulted, forcing them to marry. His Government was, however trying to educate parents and the population to understand that marriage should not occur before the age of 18 and similar efforts were under way within the school curriculum. As for domestic violence, the reason that few cases were reported might be because in Lao culture issues such as physical abuse were shameful and kept hidden. He stressed that domestic abuse was not acceptable to Lao society and was punishable under the terms of the Law on the Development and Promotion of Women.

41. Lao society did not consider that the bride price represented the value or price of a bride; it was rather a gift to the parents for the bride's upbringing and to encourage them to accept the groom in the bride's family. The bride price did not define the status of the bride and even a large bride price did not mean that the bride was expected to be subordinate to her husband. The amount of the bride price was in fact discussed by the parents along with the sharing of the wedding costs; increasingly, it was not large and had a mostly symbolic value, often a sum based on the number 9, which was a symbol of good luck.

42. **Mr. Kittikhoun** (Lao People's Democratic Republic) reiterated that the problem regarding land titles could be resolved through education and trust between the partners; the current situation was that the common property in a marriage was registered in the name of both the husband and the wife.

43. **Ms. Pimentel** said the issue of prostitution was a delicate one; while it was difficult to accept

prostitution, which objectified women, the rights of prostitutes must be protected. The best way to address the problem of prostitution was through education and prevention. The criminalization of prostitution made women prostitutes double victims because they were already victims of poverty and lack of economic opportunity, which left them exposed to exploitation and trafficking. The State party should amend its legislation to decriminalize prostitution.

44. **Ms. Popescu** said although she recognized the many problems, including a colonial heritage, faced by the State party, nothing could justify toleration of any sort of discrimination against women. The Government had a responsibility to take measures, including in cooperation with international partners, to put an end to both direct and indirect discrimination against women. Although wholesale changes were not possible overnight, the Committee, through its consideration of periodic reports, sought to assist the State party in meeting its obligations under the Convention with a view to ensuring the economic and political empowerment of women, for the greater benefit of families and societies in general.

45. **Ms. Pholsena** (Lao People's Democratic Republic) thanked the Committee for the keen interest it had shown in the situation of women in the Lao People's Democratic Republic. She welcomed the opportunity to learn about the situation of women's rights in other countries and stressed her Government's commitment to promoting the advancement of women. International support for the cause of women's rights, including in the context of the reporting process to the Committee, was essential and she looked forward to receiving the Committee's conclusions and recommendations.

The meeting rose at 5.25 p.m.

United Nations CEDAW/C/SR.677

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
20 May 2005

Original: English

Committee on the Elimination of Discrimination against Women

Thirty-second session

Summary record of the 677th meeting
Held at Headquarters, New York, on Thursday, 20 January 2005, at 10 a.m.

Chairperson: Ms. Belmihoub-Zerdani (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Turkey

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

05-21465 (E)

In the absence of Ms. Manalo, Ms. Belmihoub-Zerdani, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Turkey (CEDAW/C/TUR/4-5 and Corr.1, CEDAW/PSWG/2005/I/CRP.1/Add.8 and CRP.2/Add.7)

1. *At the invitation of the Chairperson, the delegation of Turkey took places at the Committee table.*

2. **Ms. Akşit** (Turkey) introduced her country's combined fourth and fifth periodic reports (CEDAW/C/TUR/4-5), which had been prepared with the collaboration of the relevant public institutions, experts and representatives of non-governmental organizations. By withdrawing all its substantial reservations to the Convention in 1999, Turkey had demonstrated the political will to respect its international obligations concerning the advancement of women. It was also making preparations to withdraw its declaration regarding article 9, paragraph 1, of the Convention, relating to acquisition of citizenship, and had ratified the Optional Protocol to the Convention shortly after its adoption by the General Assembly.

3. In all countries of the world, no matter how advanced they were, women lagged behind men in many areas, such as education, health and employment, and globalization had further accentuated those inequalities. In order to create an enabling environment in which women's rights could be fully realized, new policies were required at both the national and international levels. A number of major developments had taken place in Turkey, particularly in the legal field, since it had submitted its combined fourth and fifth periodic reports to the Committee in July 2003.

4. Recent amendments to the Constitution were the most significant reflection of changes in policies concerning women. Although the Constitution had previously contained a specific provision on gender equality, an amendment to its article 10 provided that the State was responsible not only for ensuring non-discrimination between men and women, but also for taking the measures necessary to guarantee de facto equal rights and opportunities for women in all areas. An amendment to article 90 of the Constitution provided that international conventions — including the Convention on the Elimination of All Forms of Discrimination against Women — prevailed over all domestic legislation.

5. Two basic laws had been significantly amended, notably in regard to their articles concerning women, and non-governmental organizations (NGOs) had played a major role in that process. Following increasing criticism from various groups, including women's NGOs, the Civil Code had been comprehensively amended in 2001, notably abolishing the concept of the husband as the head of the family, introducing a new marital property regime that envisaged the equal division of property during marriage, and establishing family courts. The entry into force of the Law on the Protection of the Family in 1998 signalled the first time that domestic violence had been defined in a Turkish legal document. The Law provided that victims and others could lodge complaints against the perpetrators of domestic violence and that courts could issue protection orders. Moreover, judges and prosecutors had received special training regarding its proper implementation.

6. The amended Penal Code, which was to enter into force in April 2005, would introduce a number of significant new concepts and regulations. The new Code notably abolished the former legal distinction between women and girls and gave priority to protecting the individual's rights and freedoms, rather than considering many of the crimes committed against women as crimes against society, as under the previous Code. Marital rape and sexual harassment in the workplace were defined as crimes for the first time, and severe life sentences were provided for perpetrators of honour crimes. Local courts had already begun to impose such sentences, indicating that the reform process had begun to raise judges' awareness of the issue. Moreover, at its fifty-ninth session, the General Assembly had adopted resolution 59/165, sponsored by Turkey, on working towards the elimination of crimes against women and girls committed in the name of honour.

7. However, the impact of traditional values and customs continued to be felt. In response, the Government, working together with Parliament, universities, the communications media and civil society organizations, was implementing a programme

aimed at changing society's attitudes. The programme had recently focused on the issues of domestic violence and violence against women and children, and was being implemented as part of a long-term action plan. In response to criticism from civil society concerning the lack of State support services, the Government had taken a number of measures, including the recent enactment of the Law on Municipalities, under which municipalities were required to provide such services. Turkey was continuing its efforts to combat trafficking in persons. The revised Penal Code provided severe penalties for perpetrators, and a shelter for women victims of trafficking had been opened in Istanbul.

8. The Organizational Law of the Directorate General for the Status and Problems of Women, Turkey's national machinery for the empowerment and advancement of women, had entered into force in November 2004. The new law would increase the effectiveness of the Directorate General, which had operated for 10 years without a formal legal foundation, and provided for the establishment of a Consultative Council for the Status of Women, in which other public institutions, NGOs and higher education bodies would participate.

9. Turkey was making significant efforts to improve indicators for women and girls with respect to education. The Compulsory Basic Education Act had increased the duration of basic education from five to eight years. Since the law's adoption in 1997, the proportion of girls enrolled in basic education had increased, largely as the result of an influx of girls from rural areas, and the number of girls enrolled in middle schools had risen by 134 per cent. Turkey had launched a number of projects, working with international organizations, NGOs and private-sector participants, with a view to achieving a 100 per cent school attendance rate by 2010. Within the context of economic assistance for the education of children from poorer families, a temporary special measure had been implemented, according to which the level of assistance provided was higher for girls than for boys. Turkey was also striving to improve the quality of informal education and broaden its content, and courses were offered with a view to improving women's literacy. Between 1995 and 2005, the number of girls in higher-education institutions had risen by 91 per cent, while the number of boys had risen by 66 per cent. Lastly, efforts were being made to eliminate gender-discriminatory components of education materials.

10. The revised Labour Code provided that no form of discrimination was permissible in the relationship between employer and employee. Provisions regarding sexual harassment in the workplace and part-time work had been included for the first time, and the duration of paid maternity leave increased. A Government circular had also been issued with a view to preventing and eliminating discrimination. Despite those measures, however, women lagged far behind men, and their participation in the labour force was decreasing as a result of women's migration from rural to urban areas, and thus from the agricultural sector to the informal sector. Her Government was developing policies aimed at increasing women's participation in the workforce, a process that would likely accelerate during Turkey's European Union accession process.

11. Women's participation in decision-making was clearly not at a satisfactory level. Although a number of women had held Government portfolios, their participation in representative bodies lagged far behind that of men. Women accounted for 4.4 per cent of parliamentary representatives, while, in the 2004 local elections, women had been elected as mayors in only 18 of a total 3,000 municipalities. However, there was a significant will among women to participate in politics, and recent surveys had shown that the public was in favour of their participation. Moreover, women played a significant role in higher education, and a number of prominent Turkish women had served in senior positions with United Nations agencies.

12. With respect to women's health, she noted that women's average life expectancy was increasing, the age at which women were marrying was rising, the overall fertility rate was falling, and the use of effective family planning methods and prenatal and post-natal services was increasing. Efforts were being made to ensure that the planning and provision of services reflected persistent regional disparities in those various indicators. Various Government projects targeting local and national media were aimed at eliminating attitudes and approaches that might exacerbate gender inequalities. Turkey had taken a number of important steps to resolve the issues that it had acknowledged when presenting its combined second and third periodic reports (CEDAW/C/TUR/2-3), in 1997. Turkey had made considerable progress in the legislative arena, but its most important future

concern was to ensure the effective implementation of its legislation.

13. **Ms. Tavares da Silva** said the Committee wanted to know if the new Penal Code dealt with the issue of honour killings in accordance with its standard international definition, namely as a crime constituting a gross violation of the right to life and, therefore, without any possible justification on the basis of customs and traditions. Referring to the property regime in the new Civil Code, she said that the recognition of the equal status of the spouses and of the woman's contribution in unpaid work was an important change but asked why it left out the millions of women already married. On the issue of Turkey's ban on headscarves, a clarification was sought as to whether the new law might not constitute another form of oppression. The Committee wanted to know the number of women excluded from schools, universities and employment on account of this prohibition.

14. **Ms. Simms**, referring to the provisions of the new Penal Code which penalized sexual relations of minors under 15 years of age, asked whether they were not in violation of both the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. If they were, the Government should indicate how it planned to address that problem. On the matter of virginity testing and genital examination, the reporting State should indicate whether such testing was conditional on women's written consent for such a procedure, and whether men also had to undergo virginity testing.

15. **Ms. Schöpp-Schilling** said she wanted to focus on the issue of temporary special measures, which the Committee deemed to be the most appropriate way to accelerate the achievement of gender equality. In that regard, she welcomed Turkey's amendment of articles 10 and 90 of the Constitution since that could lead to the immediate and urgent application of such measures, for example, in education, employment and politics. However, she deplored the fact that the original amendment to article 10, which explicitly mentioned temporary special measures, had not been adopted by the Turkish Parliament. The Committee was also concerned about the continued existence of another provision in article 10, which stated that no privileges were allowed. In that regard, she asked whether that provision would not obstruct the application of temporary special measures and whether the reporting State would consider reformulating the sentence to clarify their application.

16. Additional information was requested on the Law on Municipalities, which provided that municipalities with more than 50,000 inhabitants had to open shelters for battered women, and on whether any monitoring mechanisms were in place to oversee the implementation of the Law regarding the quality and number of such shelters, taking into consideration both the expertise of the non-governmental organizations that ran them and academic research undertaken on the specific nature of violence against women. Lastly, with regard to the Directorate General for the Status and Problems of Women, the reporting State should provide figures reflecting increases in its funding. The Directorate's title was somewhat negative: one evoking women's rights and interests rather than "problems" would have been more appropriate.

17. **Ms. Tan** requested further information on the issue of honour killings and virginity testing under the new Penal Code. The reporting State had asserted in its presentation that, notwithstanding the new Penal Code's strict punishment for honour killings, the persistence of values and customs was making it impossible to eliminate this practice in the short term. The reporting State should consider categorizing honour killings as aggravated homicide to ensure that perpetrators received the maximum punishment. If that were done, the Government would not have to depend on local judges for enforcement. Since virginity testing was a discriminatory practice, she urged the reporting State to repeal or amend the law in question. Provisions should also be included to ensure strict punishment of a person ordering such a procedure without the woman's written authorization.

18. **Ms. Shin** said that, in its response to the Committee's questions, the reporting State had mentioned a draft amendment to the Law on the Protection of the Family. She wished to know if the Government was really in the process of amending the Law and whether any discussions were under way to include protection of family members in its provisions. If the law was in the process of being amended, information should be provided on whether marital violence, incest, honour killings and rape among family members were being addressed. With regard to the Law on Municipalities, the Committee wanted to know how the Government would monitor work carried out by the municipalities, since ultimately

shelters for battered women were the responsibility of the central authorities, and whether there were any plans for systematic and ongoing police training on dealing with domestic violence.

19. **Ms. Saiga** requested further information on the functions of the newly established Consultative Committee, and whether for example, non-governmental organizations and higher educational institutions participated in its proceedings. With regard to the Advisory Board offices to be established in each Ministry, the Committee wanted to know the functions of the Advisory Board. Referring to the 14 gender focal points that had been established in governmental offices, she asked how many of them had been assigned to the regions. That was important in view of the great differences between the regions in traditional customs, the status of women, and so forth. In its reply to paragraph 17 on the list of issues and questions for consideration (CEDAW/PSWG/2005/I/CRP.2/Add.7), the reporting State had indicated that no data were collected on the basis of ethnic origin since "the relationship between the State and the citizens is in no way based on ethnic origin". During a national census, however, such information should be collected, particularly with respect to ethnic women's health, education and other areas mentioned in the Convention.

20. **Ms. Šimonović**, referring to the preparation of the combined reports, asked whether non-governmental organizations had been consulted, whether the Government's approval had been given and whether the Parliamentary Committee on Gender Equality, which was in the process of being established, had examined them. In its next report the reporting State should provide figures on the number of women in the judiciary. Lastly, she enquired whether the Turkish Constitution or any other national law contained a definition of discrimination against women that was in line with the definition set forth in article 1 of the Convention and which encompassed direct and indirect discrimination in all fields.

21. **Ms. Pimentel** commended the Turkish Government for the Law on Municipalities and its decentralization of the shelters for women. The Committee, however, wanted to know what concrete measures had been taken to address the highly unstable and widely differing financial situations prevailing in the municipalities and would like additional information on the training of personnel and the monitoring mechanisms for such shelters. In view of the fact that women's representation in the Parliament was currently 4.4 per cent, the reporting State should outline its plans to improve women's representation at all levels of political life, and indicate whether there were plans to introduce quotas as special temporary measures in accordance with article 4 of the Convention. Lastly, it should explain why the Turkish Constitution did not recognize the Kurds as a special minority, a fact that frequently posed difficulties for the Kurdish people, in particular women.

22. **Ms. Patten** asked what efforts the Government was undertaking to make women aware of all the laws enacted in their favour, in view of the common perception that all the legal reforms were part of the reporting State's strategy to join the European Union. Information was also sought on the Government's plans for reinforcing its national machinery to improve the implementation of such laws. The Committee also wanted to know if judges had been adequately trained, for example, to ensure their familiarity with the Convention and to what extent rural women had access to justice and whether a legal aid system had been established to assist women in cases of domestic violence.

23. **Ms. Cinar** (Turkey) said that, as part of the legal reform exercise, leniency provisions for custom or honour killings, which were essentially synonymous, had been abolished. Under the current Penal Code, both crimes were punishable by the most severe penalties. During the fifty-ninth session of the General Assembly, Turkey had been a sponsor of resolution 59/179 entitled "Working towards the elimination of crimes against women committed in the name of honour", further demonstrating its commitment to eradicating the practice. While implementation of the new Penal Code was formally scheduled for April 2005, in practice, the courts had already handed down severe penalties for custom killings in two cases.

24. In response to the question on acquired property, she said that, when the new law had entered into force in 2002, married women had been given one year to make a declaration before a notary public in order to benefit from its provisions. That procedure had been decided on the basis of input from a number of non-governmental organizations (NGOs). Applying the law retroactively beyond a certain time limit, however, would contradict the general principles of law. Both the

Turkish Court of Appeals and Constitutional Court had ruled in favour of the ban on head scarves, a decision that had been upheld by the European Court of Human Rights on the grounds that religious symbols contradicted the principles of secularism and democracy enshrined in the Turkish Constitution.

25. **Ms. Akşit** (Turkey) acknowledged that the ban on head scarves prevented some female students from enrolling in universities. Universities must step in and help the Government to address that problem. The provisions of the Penal Code on sexual relations between minors were designed to increase protection at a time when early pregnancies before marriage were on the rise, particularly in Europe. The provision might have to be amended at some stage; in the meantime, the manner in which the higher courts interpreted it would be crucial. The amendment to article 10 of the Constitution was groundbreaking as comparable legislation did not exist in many countries. Furthermore, under the amendment to article 90 of the Constitution, in the event of a conflict between domestic and international law, international law, including the provisions of the Convention, prevailed.

26. She said that, while article 10 of the Constitution did not explicitly mention positive discrimination, it assigned the Government specific responsibility for ensuring equality between men and women in practice.

27. **Ms. Cinar** (Turkey) said that the Government, which bore primary responsibility for providing social and childcare services, financed and closely monitored a limited number of women's shelters administered by municipalities.

28. **Mr. Kurnaz** (Turkey) said that, under new supporting legislation adopted as part of the legal reform package, municipal councils could select and recruit social-services personnel directly. If municipalities needed to recruit persons who were already employed, in order to provide social services to citizens, an arrangement could be made with the current employer to permit the person to work in two places. Funding would be made available for cooperation between municipalities and non-governmental organizations (NGOs) and volunteer groups on specific projects. The law also provided for municipal councils to hear citizens' views on issues. Once a procedure on funding municipalities was finalized under the Law on Municipalities, the Government would issue a manual on providing social services, in particular to women, children and disabled persons.

29. **Ms. Akşit** (Turkey) said that the primary responsibility for opening women's shelters rested with the Ministry of Labour and Social Security. In addition, municipalities with a population exceeding 50,000 were required to open women's shelters, without prejudice to the Ministry's initiatives. The central Government could intervene to resolve any difficulties at the municipal level.

30. **Ms. Cinar** (Turkey) said that, under a new article of the Turkish Penal Code, only a judge or prosecutor could order a virginity test to be carried out. Individuals were not deemed qualified to determine the need for such a test. Imposing it without the authorization of a judge or prosecutor was punishable by one to three years' imprisonment. As she had indicated earlier, the Turkish Penal Code did not differentiate between the penalties for honour and custom killings.

31. **Ms. Akşit** (Turkey) said that her country's efforts to suppress honour and custom killings were reflected in the abolition of leniency and the severe penalty — life imprisonment — prescribed by the Penal Code. Mentalities would not change overnight; Turkish society would have to be educated over time. Nevertheless, the Government was making steady and successful efforts to that end.

32. **Ms. Cinar** (Turkey) pointed out that virginity tests could not be performed without a woman's consent. The protection described by Ms. Akşit was guaranteed by the Penal Code.

33. **Ms. Akşit** (Turkey) said that the most recent amendments to the Law on the Protection of the Family penalized parents who requested hospitals to perform virginity tests on unwilling daughters and the doctors who examined them. Women could be forced to undergo the tests only as part of a criminal investigation, on the instructions of a judge or prosecutor. Turkish men were not required to undergo virginity tests.

34. **Ms. Cinar** (Turkey) said that the proposed amendments to the Law on the Protection of the Family had been submitted to the Office of the Prime Minister; at the same time, two articles on protection of the family, together with amendments to them, would be incorporated in the new Penal Code to enter into force

in 2005. Additionally, current legislation was being reviewed to determine penalties for domestic violence not only between spouses but also by and against other family members. Domestic violence was taken very seriously by her Government, which planned to repeat a round of surveys that it had taken on the issue and had instituted an education programme for police officers.

35. **Ms. Akşit** (Turkey) said that the combined fourth and fifth periodic reports had been prepared by academicians and representatives of women's NGOs and other public institutions. It had been drafted in final form by her Ministry, on the basis of a broad public debate and with substantial NGO input. Kurds living in Turkey were fully fledged citizens and enjoyed the same rights and benefits as Turks. In every part of Turkey, there were groups that were deprived of a decent education. Illiteracy rates were particularly high in the Black Sea area, among older women and among rural dwellers who had migrated to Istanbul. The Government's goal was to ensure 100 per cent school enrolment of both girls and boys, regardless of ethnicity, by 2005.

36. **Mr. Kurnaz** (Turkey) said that special courses on human rights had been integrated into the curricula of educational institutions, and special training programmes on the treatment of violence victims were offered by experts in the field. Additionally, Turkey was carrying out a number of violence-prevention projects with the cooperation with the Council of Europe, in particular, and international organizations.

37. In order to eliminate problems in the implementation of the Law on the Protection of the Family, the Ministry of Justice had circulated brochures encouraging victims of violence to come forward and lodge complaints with the Public Prosecutor's Office. The brochures also contained reminders that victims' identities and addresses would be kept strictly confidential if they sought refuge in shelters, that there were no preliminary requirements for obtaining protection orders from the courts, and that violators of protection orders would be prosecuted. All police officers were being advised to report all cases of domestic violence to the relevant government authorities, irrespective of whether they were assigned to deal with such crimes, and to ensure that education and training on domestic violence was provided in all precincts.

38. **Ms. Aytac** (Turkey) said that the new Law on the Protection of the Family represented a positive step in dealing with the problem of violence against women, which occurred primarily within the family. The precautionary measures instituted by the Public Prosecutor's Office were designed to protect potential victims. In addition to training programmes for police officers, the Ministry of Justice was organizing seminars for judges and public prosecutors to discuss problems in implementing the Law on the Protection of the Family and to increase the role of judges in combating domestic violence.

39. **Ms. Akşit** (Turkey) said that the Advisory Council for the Status of Women was a new body made up of representatives of the Government, NGOs and academia, which would give advice on strategies and projects relating to women's issues, thereby making them more effective. The rural units on the status of women — of which there were now 14 — were set up by the Governor's Office. The Advisory Council itself did not have a rural unit, and there was no specific provision relating to them in legislation. The combined reports had been approved informally by a parliamentary commission, but she was sure that the Parliament would establish an official commission on gender equality in the near future, as many parties were in favour of that.

40. On the issue of the number of female members of Parliament, she acknowledged that 4.4 per cent was very low. Of a total of 550 members of Parliament, only 24 were women. She wished that the number was higher, but pointed out that participation in public life was not limited to being a member of Parliament. Women could also work in town and municipal councils, mayors' offices, political parties, etc. It was therefore unfair to consider the number of female members of Parliament in isolation. Moreover, all the political parties in Turkey were determined to encourage greater participation by women. Her party's Central Executive Committee, for example, had to include a certain number of women. She believed that the situation would improve after the next elections and hoped that the Parliament would take the necessary steps in that regard. The suggestion that the various legislative amendments had been made in response to Turkey's bid for European Union membership was unfair, and the fact that they were so detailed proved that they were genuine reforms.

41. **Ms. Cinar** (Turkey) said that the Convention had, of course, been translated into Turkish and constituted the basis of their work.

42. **Ms. Morvai** said that she would appreciate further clarification of Turkey's position on ethnic minorities, in particular of the statement in its response to paragraph 17 on the list of issues and questions for consideration (CEDAW/PSWG/2005/I/CRP.2/Add.7) that collecting and compiling data on the basis of ethnic origin was considered discriminatory and that it would accept the term "minority women" as "situation of women in underdeveloped regions of Turkey". Women were discriminated against throughout the world, for many different reasons, including ethnic origin, and it was therefore important to monitor situations and observe trends. She welcomed the end of the violence against the Kurdish minority in 1999, but wished to know whether any action had been taken to punish the perpetrators, whether any counselling had been provided for victims, whether the many displaced people had returned and, if so, whether there was a Government programme to support them. Lastly, she was curious as to the exact purpose of banning headscarves in public places and educational institutions and asked whether the end justified the means, which were, in effect, banning many women from education. She wondered if she had misunderstood Turkey's comment that it had been the decision of universities alone to ban headscarves, as she was under the impression that it was statutory law in Turkey.

43. **Ms. Manalo** said that, while she welcomed Turkey's response to paragraph 28 on the list of issues and questions for consideration that under the law the media should not encourage discrimination or violence against women, she would appreciate more information on the ongoing problem of the portrayal of women in the media, in particular with regard to traditional roles. While she welcomed the fact that the Government was encouraging equality of minorities, she wished to know what else it was doing to tackle the problem of the many illiterate Kurdish women in rural areas who could not speak Turkish and were therefore highly unlikely to be able to participate in public life.

44. **Ms. Coker-Appiah** said that the failure to recognize the special status of Kurdish women affected their access to education, health care, basic information about their rights, etc., and she hoped that measures would be taken to alleviate the problem. While she welcomed the progressive legislation adopted since the previous report, full equality could not be achieved unless cultural practices and stereotypes that reinforced women's submission were also addressed. She therefore wished to know what the Government was doing to eliminate such practices and stereotypes, which impacted negatively on women's rights and on their ability to make use of new legislation.

45. **Mr. Flinterman** said that, while he agreed that article 10 of the Constitution, which now established that men and women had equal rights and that the State was responsible for safeguarding those rights, was indeed a revolutionary provision, he wished to make sure that he had correctly understood the explanation provided. It was his understanding that article 10 should be read in the light of Turkey's international obligations, including the Convention, article 4 of which — as further elaborated in general recommendation No. 25 — required States parties to adopt temporary special measures. Article 10 should therefore be interpreted not as an impediment to, but as a firm constitutional basis for, adopting such measures and, where appropriate, as imposing an obligation on Turkey to adopt them.

46. Despite Turkey's assurances to the contrary, he was concerned that the new Penal Code used the term custom killings instead of honour killings, as he had been informed that the latter was more inclusive. He wondered whether the Explanatory Memorandum to the Act made it clear that the term custom killings included honour killings. He also wished to know whether it was still possible for a person accused of an honour killing under the new Penal Code to invoke the unjust provocation clause leading to a reduction in their sentence and, if so, urged Turkey to eliminate that possibility.

47. **Ms. Gabr** said that she wished to know why there had been such a long delay in adopting the organizational law relating to the Directorate General for the Status and Problems of Women and, in the light of Turkey's response to paragraph 4 on the list of issues and questions that the Directorate General had no similar organizations at the regional or local level, wondered how therefore it addressed women's issues at those levels. She would also appreciate further information on cooperation between the Government and NGOs in that regard. The reporting State should explain which regions the phrase "underdeveloped regions of Turkey" in its response to paragraph 17

referred to, what exactly the situation of women was in such regions and how the Government was addressing discrepancies in terms of economic development, traditions, languages, etc. in the country, to ensure such women enjoyed their full rights.

48. **Ms. Gnacadja** said that the replies given concerning virginity testing had not been very convincing. According to page 8 of the combined reports, the Ministry of Justice had issued a statute banning the bodily examination of women for reasons of disciplinary punishment against their consent or in a manner which would hurt or torment them. However, the reports also stated that, in certain circumstances, a judge could still order vaginal or anal examinations without the consent of the woman, provided such an order was accompanied by written approval from the public prosecutor. She wished to know whether, in practice, conducting a virginity test without the woman's consent was punishable by law. If that was not the case, nothing had really changed. She also strongly disagreed with the comment that the new term "vaginal or anal examinations" applied to both men and women. Lastly, she would appreciate further clarification concerning the status of honour killings as an offence under Turkish law; in her view, they should not be diluted in the more general term of custom killings.

49. **Ms. Khan** said that she wished to know whether the definitions of custom killing and honour killing were interchangeable. On the subject of virginity testing, article 287 of the new Penal Code (on genital examinations) did not state that virginity testing was prohibited or that consent was required. She therefore wondered whether virginity testing and genital examinations were the same thing and had the same legal connotations. She knew from first-hand experience that many rural women in Turkey wore headscarves and therefore enquired how the Government planned to integrate those women into society to ensure that they could have access to public schools and hospitals. In particular, Turkey should clarify the relationship between the concept of secularism and article 40 of the Constitution on individual rights and freedoms. She failed to understand why headscarves were considered religious symbols when other such symbols were allowed and when, in her view, it was a question of freedom of choice.

50. **Mr. Ilkin** (Turkey) said that he wished to clarify the situation of Kurds living in Turkey. Turkey had never carried out a census on the basis of ethnic origin and no one knew therefore exactly how many Turkish citizens were of Kurdish origin. In addition, there were 30 different ethnic groups in Turkey, making it difficult to define minorities and majorities. Moreover, as far as he knew, there was no definition of a minority in international law. The south-east of Turkey was an underdeveloped region with a very harsh climate and none of the people living there — whether of Kurdish or other origin — had the same opportunities as people living in the west of the country, which enjoyed a better climate, access to the sea and a flourishing industry and economy.

51. It was also difficult to distinguish a minority group, as the population comprised a good number of Turks and Kurds. While some people living in the south-east — both Kurds and Turks — did have literacy problems, the Government had taken steps to promote the spoken language, including programmes to teach Kurdish and possibly other languages in the future. He urged the Committee to see Turkey as one nation that was flourishing, not suffering, as a result of its ethnic diversity. Lastly, the reference to the end of the violence against the Kurds in 1999 was unclear but, as far as he knew, that had been the year in which the Kurdish Workers Party (PKK) had collapsed following the capture of its leader.

52. **Ms. Akşit** (Turkey) said that she had not stated that headscarves were illegal in Turkey. On the contrary, they were a very common feature of everyday life. The illegal aspect was based on the general legal provisions on proper attire, which specifically stated that the heads of female students must be uncovered. Universities, however, were independent and therefore set their own rules, with the result that some female students had difficulty attending a university.

53. **Ms. Cinar** (Turkey) said that, while there had been some problems concerning the media's attitude towards equality, the Government was addressing the issue through, for example, programmes aimed at raising awareness of gender equality and the importance of image. In the future, such programmes — which were being developed with the participation of NGOs — would also be applied to the mass media.

54. **Ms. Akşit** (Turkey) said that she wished to clarify that, in her view, the Kurds were not a minority. The 1923 Lausanne Convention had not recognized them as such and they therefore enjoyed the same rights and privileges as all citizens. In response to the question concerning educational measures to change customs, such change would not occur overnight. A key factor was how society, the media and educational establishments regarded the issue. As the level of education increased, negative aspects of traditions would decrease, especially among the younger generation.

55. In response to the question concerning the definition of custom killings and honour killings in the new Penal Code, the term "custom killings" implied, first and foremost, honour killings, while "honour killings" were always linked to a custom. In short, they were the same concept. Though the new Penal Code had not yet entered into force, judges were already applying that interpretation, and she was sure that, as implementation of the law gained ground, more concrete terms would emerge. With regard to the question concerning article 10 of the Constitution and the interpretation of temporary special measures, article 10 clearly stated that men and women had equal rights and that the Government was responsible for safeguarding those rights. It was for the Government to decide how it would meet that responsibility and to ensure that it met its constitutional obligations.

56. The adoption of the organizational law relating to the Directorate General for the Status and Problems of Women had been delayed owing to a lack of political will on the part of the previous Government. Following the efforts of the current Government and of her Ministry, the Directorate General now had a legal basis and would be able to address society's needs more effectively. The new Penal Code had been adopted in 2004 and would enter into force in April 2005. In response to the question concerning whether virginity testing was punishable by law, she said that article 235 of the Penal Code clearly stated that anyone performing or facilitating virginity tests without a woman's consent would be sentenced to imprisonment for three months to one year. Lastly, the suggestion that women wearing headscarves did not have access to health care was completely unfounded; the headscarf issue had arisen only at some universities.

57. **Mr. Ates** (Turkey) said that the new Penal Code referred not to virginity testing, but to genital examinations, which was not gender-specific.

The meeting rose at 1.05 p.m.